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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/090,139      | 03/04/2002  | Young-Su Kueon       | S84.12-0004         | 3628             |

7590 08/16/2004

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| EXAMINER |
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KIM, CHONG HWA

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| ART UNIT | PAPER NUMBER |
|----------|--------------|

3682

DATE MAILED: 08/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/090,139

**Applicant(s)**

KUEON, YOUNG-SU

**Examiner**

Chong H. Kim

**Art Unit**

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) 4-8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 includes a positive recitation of the connecting rod and the crank shaft in the body of the claim.. However, such subject matter is recited in the preamble as an intended use. Therefore, it is unclear whether such subject matter is meant to be recited in a positive manner or not.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Wolf, U.S. Patent 4,375,944.

Wolf shows, in Figs. 1-5, an oil pickup apparatus 30 for a hermetic compressor connected with a crank shaft 20 in order to pickup an oil 22 filled up in a lower part of a shell 14, comprising an oil pickup tube 32 having one end 38 immersed in the oil and being connected

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with the crank shaft to be rotated together, and the oil pickup tube having an impeller portion 34 integrally formed at the oil pickup tube in order to pickup the oil by a centrifugal force when the crank shaft rotates and supply the oil to an upper part of the compressor wherein an eccentric portion (as partially shown in the upper housing 12 in Fig. 1) connected with a connecting rod is disposed at an upper end of the crank shaft, and the oil pickup tube is connected with a lower end of the crank shaft; and

wherein the impeller portion includes a plurality of unit processing portions having a depressed outer circumference 46, 48 of the oil pickup tube and a protruded corresponding inner circumference 40, 42.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wolf in view of Abe, U.S. Patent 4,236,879.

Wolf shows, as discussed above in the rejection of claims 1 and 2, the oil pickup tube having the impeller portion with the plurality of depressed portions disposed in a circumferential direction of the oil pickup tube, and formed for a predetermined length in a longitudinal direction of the oil pickup tube, but fails to show the depressed portions formed at a sloped angle from the longitudinal direction.

Abe shows, in Figs. 7-10, an oil pickup tube 21 for a hermetic compressor comprising a plurality of unit processing portions 21f having a depressed outer circumference and a protruded corresponding inner circumference which are formed for a predetermined length to be sloped for a predetermined angle in a longitudinal direction of the oil pickup tube.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the longitudinally directed unit processing portions of Wolf in view of the sloped unit processing portions as taught by Abe in order to increase the pickup rate of the oil so that more lubricant can be delivered to the working mechanism to increase the life expectancy of the device.

### ***Response to Arguments***

7. In response to the applicant's argument that Wolf or Abe fails to show an eccentric portion with a connecting rod connected to the upper end of the crank shaft and the oil pick up tube being connected to a lower end of the crank shaft, it is the Examiner's view that such subject matter is disclosed by both Wolf and Abe. As discussed above in the rejection of claim 1, Wolf shows partially in Fig. 1, the crank shaft 20 having an upper portion (above ref. No. 16) with an eccentric portion with a connecting rod connected thereto and the oil pick up tube 30 being connected to the lower portion of the crank shaft. Furthermore, Abe shows in Figs. 1 and 7, the crank shaft 21 having an upper portion with an eccentric portion 21b with a connecting rod (as shown in Fig. 1) connected thereto.

8. In response to the applicant's argument that claim 9 should be considered since the subject matter in the claim reads on the elected species, the Examiner agrees with the applicant

and claim 9 has been treated as such. However, the previous Office action made on Oct 4, 2003 will not be withdrawn since the applicant has failed specifically to include claim 9 as being readable on the elected species of Figs. 2-4 in the Response to the Restriction Requirement on Sep 9, 2003.

### ***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chong H. Kim whose telephone number is (703) 305-0922. The examiner can normally be reached on Tuesday - Friday; 8:00 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Bucci can be reached on (703) 308-3668. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

chk  
August 11, 2004

  
CHONG H. KIM  
PRIMARY EXAMINER